IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 159 of 2002

SHAUKAT & ORS
V/S
SMT. KHATOON BAI

Mr. MK TRIVEDI, for the appellants / petitioner

Mr. RS MANKAD, for the respondent

Date of Order : 10.7.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

Perused the impugned judgments. In my view, the findings recorded by the learned courts below are pure findings of fact, and are not successfully shown to have been vitiated on any of the grounds available under Section 100 C.P.C. The appeal thus does not involve any substantial question of law, and the same is dismissed. However, with the consent of the learned counsel for the parties, the appellants are granted nine months time to vacate the suit premises on the condition that the defendant gives an undertaking before the learned trial court within one month from today that on or before the expiry of the above period, they will peacefully hand over the vacant possession of the suit premises to the plaintiff and that during this period, they will not, in any manner, transfer

the possession of the suit premises to anybody. Likewise, the entire decretal amount, so also all arrears of rent, if any, shall be deposited by the appellants in the trial court within one month from today and shall further continue to deposit amount equal to the monthly rent by way of damages for use and occupation by 15th of each succeeding month, till the actual delivery of possession. In case the appellants fail to comply with any of the above conditions, the respondent will become automatically entitled to execute the decree forthwith.

(N P GUPTA),J.

/Sushil/